

U.S. Patent Application Serial No. 10/553,240
Response filed February 16, 2010
Reply to OA dated November 17, 2009

REMARKS

Claims 1-10, 12 and 14-31 are pending in this application, with claims 1-8 and 14-31 withdrawn from consideration. Claim 9 is amended herein. Upon entry of this amendment, Claims 1-10, 12 and 14-31 will be pending in this application, with claims 1-8 and 14-31 withdrawn from consideration. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

Claims 9-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 4)

The rejection is overcome by the clarifying amendment to claim 9.

The Examiner cites the recitation in claim 9: "an electric conductivity of 200 μ S/cm or less **at the solvent part** exclusive of the fine silver particles from said second fine silver particle colloidal dispersion of a water system." In particular, the Examiner states that "the solvent part" has no antecedent basis.

This clause of claim 9 is amended herein as follows:

"in the concentration and washing step, the second fine silver particle colloidal dispersion of a water system is controlled such that the ~~to have an~~ electric conductivity of 200 μ S/cm or less at the solvent part of the dispersion, exclusive of

U.S. Patent Application Serial No. **10/553,240**
Response filed February 16, 2010
Reply to OA dated November 17, 2009

the fine silver particles, is 200 μ S/cm or less ~~from said second fine silver particle colloidal dispersion of a water system;~~

This amendment represents mainly a rearrangement of the previous claim wording for clarity, and is generally supported by the original claim language. The recitation of “the solvent part ...” has been replaced by “the solvent of the dispersion, exclusive of the fine silver particles.” It will be understood that the phrase “solvent of the dispersion, exclusive of the fine silver particles” refers to the liquid part of the dispersion, that is, the liquid remaining if the fine silver particles are removed from the dispersion. A dispersion would inherently have a solvent and particles dispersed in the solvent.

Claims 9-10 and 12 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-10 of co-pending Application No. 12/085,185. (Office action paragraph no. 6)

The rejection is obviated by the filing of a terminal disclaimer over USSN 12/085,185. The terminal disclaimer papers accompany this amendment.

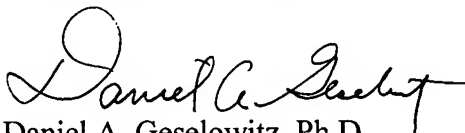
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants’ undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **10/553,240**
Response filed February 16, 2010
Reply to OA dated November 17, 2009

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicants

Reg. No. 42,573

DAG/xl

Atty. Docket No. **050638**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE

Enclosure: Terminal Disclaimer

H:\050\050638\Response in re FOA of 11-17-09